THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22436 of 2006

08.11.2006

Between:
Pentakota Venkata Ramana, S/o.P.Laxmana Rao

… Petitioner

AND

The Mandal Revenue Officer (Rural), Chinagadili, Visakhapatnam District

And another

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22436 of 2006

ORDER:

The petitioner purchased plot No.49 admeasuring 266.66 Sq.yards in survey Nos.115, 118, 119, 120, 121, 123, 136 and 138 situated at Yellapuranipalem Village and Panchayat, hamlet of Gopalapatnam, Chinagadili Mandal in Visakhapatnam District from O.H.P. Employees Cooperative House Building Society Limited, Visakhapatnam, (the Society, for short). The Society prepared a layout, being Layout Plan No.34/89 and submitted the same before Visakhapatnam Urban Development Authority (VUDA). It is the case of the petitioner that the layout was approved by VUDA. The petitioner alleges that at the instance of the local M.L.A., the first respondent encroached upon the petitioner's property and started construction of houses to the persons, who lost their houses in a fire accident. Therefore, the present writ petition is filed seeking a direction to the respondents not to dispossess the petitioner.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General-A) submits that the respondents are not at all interfering with the possession of the petitioner. Learned Standing Counsel for Andhra Pradesh Housing Corporation submits that the Housing Corporation has land adjacent to the land of the Society.

The Andhra Pradesh Housing Corporation is not a party to this writ petition. Further no allegation as such is made against said Corporation. As learned Counsel appearing for the respondents deny

the allegation of attempt to dispossess the petitioner, this writ petition must be held to have been filed without any factual basis. However, this Court observes that even if any Government body has to take possession of the land, the same can be done only after following due process of law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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November 08, 2006. (**V.V.S.RAO, J**)

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